

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

[illegible]

: No. 07 CV 10975 (CM) (AJP)

Declaration of David Dateshidze in Opposition to Defendants' Motions to Compel Arbitration

Declaration of David Dateshidze

I, David Dateshidze, declare that I have personal knowledge of the facts set forth below and could, if called upon to testify as a witness at trial, testify that:

My Background

1. I am a citizen of the Republic of Georgia and reside at David Agmashenebeli Avenue 2/8, Flat 28, Tbilisi 0102, Georgia.
2. I am 39 years old.
3. I am married to Dr. Irakli Glonti's sister.
4. I was educated at the Technical University, in Georgia, and received a degree from there, in engineering, in 1993.
5. Afterwards, I was involved briefly in a business that supplied gasoline in Georgia. In 1996, I was appointed district engineer for the Tbilisi municipal authority and, in 2000, I was appointed head of the municipality's technical department covering education.
6. I ended my association with the Tbilisi municipal authority to start a venture that exported Georgian wine to Russia.
7. I do not speak, write, read or understand English. I have not traveled outside of Georgia, except to Moscow, Russia, for purposes of business, and to Turkey and Cyprus for vacation.
8. This Declaration was prepared in English and then translated to Georgian for me by Dr. Irakli Glonti.

My communications with Frank Foerster, Lehman Brothers Inc. and RBC Dain Rauscher Inc. have always been through Dr. Irakli Glonti.

9. Until I opened an account with Lehman Brothers Inc. (“Lehman Brothers”), I had never before entrusted my investment assets overseas to a United States-based investment firm.

10 Dr. Glonti recommended Lehman Brothers to me and because I do not speak, write, read or understand English, he served as my intermediary in all my dealings with Frank Foerster, Lehman Brothers and RBC Dain Rauscher Inc. (“RBC Dain Rauscher”).

11. I have never physically met Foerster or any representative of Lehman Brothers and RBC Dain Rauscher.

Dr. Glonti arranges with Foerster to open an investment account for me at Lehman Brothers.

12. In March 2002, Dr. Glonti arranged with Foerster to open an investment account for me at Lehman Brothers.

13. Foerster transmitted by facsimile, two blank, two single-page documents to Dr. Glonti, in Tbilisi, Georgia, for him to have me to sign.

14. Dr. Glonti acted as an intermediary between Foerster and me because I have absolutely no command of English and thus could not communicate with Foerster. As I have said, I do not speak, read, write or otherwise understand English.

15. Afterwards, Foerster telephoned Dr. Glonti to have him explain to me the two single-page documents that he had transmitted to him were for me to sign.

16. Dr. Glonti told me Foerster had told him the documents were a “mere formality” for Foerster to use to open an account for me at Lehman Brothers.

17. Dr. Glonti then guided me to the place on each document where Foerster had indicated to him where I was to sign my name.

18. I signed each document at the place at which I was instructed and then Dr. Glonti re-transmitted the documents to Foerster.

19. LB 00687, a true and correct copy of which is attached to my declaration and is marked Exhibit 1, appears to be a copy of the document Foerster transmitted to Dr. Glonti to have me sign my name, but the document Foerster actually transmitted to have me sign was blank and none of the information reported on the document in its current format appeared on that which was originally transmitted to me.

20. LB 00688, a true and correct copy of which is attached to my declaration and is marked Exhibit 2, appears to be a copy of the document Foerster transmitted to Dr. Glonti to have me sign my name, but the document Foerster actually transmitted to have me sign was blank and none of the information reported on the document in its current format appeared on that which was originally transmitted to me.

**Dr. Glonti arranges with Foerster to open an investment account
for me at RBC Dain Rauscher.**

21. In or about mid-May 2003, Dr. Glonti notified me that Foerster left the employ of Lehman Brothers to join RBC Dain Rauscher.

22. Dr. Glonti then told me Foerster would arrange to have us open investment accounts at RBC Dain Rauscher.

23. Foerster transmitted by facsimile, blank, single-page documents to Dr. Glonti, in Tbilisi, Georgia, on which there was space for me to sign my name.

24. Dr. Glonti again acted as an intermediary between Foerster and me because I have absolutely no command of English and thus could not communicate with Foerster. And as I have said, I do not speak, read, write or otherwise understand English.

25. Afterwards, Foerster telephoned Dr. Glonti to have him explain to me the single-page documents that he had transmitted to him for me to sign were a “mere formality” for Foerster to use to open an account for me with RBC Dain Rauscher.

26. Dr. Glonti then guided me to the place on each document at which Foerster had indicated I was to sign my name.

27. I followed these instructions and signed each document at the place at which Foerster had directed Dr. Glonti to have me sign my name and then Dr. Glonti re-transmitted the documents to Foerster.

28. RBC 0000442, a true and correct copy of which is attached to my declaration and is marked Exhibit 3, appears to be a copy of the document Foerster transmitted to Dr. Glonti to have me sign, but the document Foerster transmitted was blank and none of the information reported on the document in its current format appeared on the document that was originally transmitted to me to sign.

29. RBC 0000443, a true and correct copy of which is attached to my declaration and is marked Exhibit 4, appears to be a copy of the document Foerster transmitted to Dr. Glonti to have me sign, but the document Foerster transmitted was blank and none of the information reported on the document in its current format appeared on the document that was originally transmitted to me to sign.

30. RBC 0000444, a true and correct copy of which is attached to my declaration and is marked Exhibit 5, appears to be a copy of the document Foerster transmitted to Dr. Glonti to have me sign, but the document Foerster transmitted was blank and none of the information reported on the document in its current format appeared on the document that was originally transmitted to me to sign.

31. RBC 0000445, a true and correct copy of which is attached to my declaration and is marked Exhibit 6, appears to be a copy of the document Foerster transmitted to Dr. Glonti, on May 29, 2003, to have me sign, but the document Foerster transmitted was blank and none of the information reported on the document in its current format appeared on the document that was originally transmitted to me.

**There are documents in RBC Dain Rauscher's possession
on which my signature is forged.**

32. After RBC Dain Rauscher was notified by my attorney of the claims that I and Dr. Glonti are making against it, RBC Dain Rauscher produced RBC 0000447-0000449, 0000451 and 0000453, true and correct copies of which are

attached to my declaration and are marked Exhibits 7, 8, and 9, respectively.

33. I have never before seen RBC 0000447-449.

34. The signature appearing on RBC0000449 is not my signature and is a forgery.

35. I have never before seen before RBC 0000451 and 0000453.

36. The signatures appearing on RBC0000451 and 0000453 are not my signatures and are forgeries.

I declare under penalty of perjury, under the laws of the United States, that the foregoing Declaration is true and correct.

I have signed this declaration on January 6, 2008, in Tbilisi, Republic of Georgia.

David Dateshidze *p. prajdy*

MAR-25-02 MON 03:50 PM

FAX NO.

P. 01

LEHMAN BROTHERS

Customer Account Services

P.O. Box 3760

New York, NY 10008-3760

Client Agreement

CPI 3025

| | | | | |
|----------------|-------|-----------|-----|-------|
| Account Number | 8,3,1 | 7,7,7,1,4 | 1,1 | 4,7,2 |
|----------------|-------|-----------|-----|-------|

Before you sign this agreement, read it thoroughly and return this completed and signed agreement to Lehman Brothers at the address on the left side of this page. Subsequently you will receive literature containing important information about new accounts. Read the information carefully and retain it for future reference.

Account Title / Name

David Datschidze

Account Title / Name

88 Genesee Boulevard

Mailing Address

Atlantic Beach NY 11509

A. Tax Certification. Under penalties of perjury, I certify that the number shown below (and to the left) is my correct taxpayer identification number or if not, then the number I have entered below (and to the right) is my correct tax identification number, and that I am not subject to backup withholding because (a) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of failure to report all interest or dividends, or (b) the IRS has notified me that I am no longer subject to backup withholding (see below), or (c) I am exempt from backup withholding (see below). **Note:** You must cross out (b) above if you are currently subject to backup withholding because of underreporting interest or dividends on your tax return. The Internal Revenue Service does not require your consent to any provisions of this document other than the certifications required to avoid backup withholding.

For those exempt from backup withholding (see instructions on page 4), write the word "EXEMPT" here:

B. Client Acknowledgment. I (we) hereby acknowledge that I (we) have read, understand and agree to the terms of this agreement. If this is a joint account, we further acknowledge that we have read, understand and agree to the terms of this agreement contained in paragraph 21. **Note:** Texas residents must execute a Texas Joint Account Supplemental agreement (form 3082). I (We) acknowledge that I (we) have received a copy of the agreement which contains a pre-dispute arbitration clause at Paragraph 22; I (We) have read it and agree to its terms.

| | | | |
|---|------|---|------|
| 1. Account Owner's Signature (Please sign in box) | Date | 2. Account Owner's Signature (Please sign in box) | Date |
| <i>P. Datschidze</i> | | | |
| 3. Account Owner's Signature (Please sign in box) | Date | 4. Account Owner's Signature (Please sign in box) | Date |
| | | | |

C. Name Disclosure. Please indicate your choice as to the release or withholding of your name, address and securities positions to issuing corporations.
☒ **NO**, I do not want my name, address and securities positions disclosed to any companies, upon their request, in which I own securities.
☐ **YES**, I do want that are being held for me at Lehman Brothers Inc. ("Lehman") or any firm acting as a clearing broker for Lehman.

D. Money Market Fund Agreement. Lehman will be authorized (but not required) to invest or "sweep" available cash in your account into one of its money market funds unless you elect otherwise. If you want to choose a particular money market fund or you do not want available cash swept into a money market fund, please indicate below. If you wish to discuss or change your choice of money market fund, please contact your investment representative.
Note to Wisconsin residents: You must indicate below specifically whether or not you wish to have a money market sweep for your account.

☐ **NO**, I do not want cash balances in my account automatically swept into a money market fund.
☒ **YES**, I want the cash balances in my account automatically swept into the fund of my choice.

E. Joint Account With Rights of Survivorship. If the account has more than one owner, this agreement establishes a Joint Account With Rights of Survivorship. If you and the other account owners wish to establish a Tenancy in Common instead, each of you must execute a Joint Account Agreement As Tenants in Common in addition to this Client Agreement. **Note:** Texas residents must execute a Texas Joint Account Supplemental agreement (form 3082).

F. Margin Account Agreement. Throughout this section only if you accept the margin agreement contained in paragraphs 16 through 19 of this agreement. In consideration of your opening and maintaining one or more margin accounts on my behalf, I (we) hereby acknowledge that I (we) have read, understand and agree to the terms of a margin account contained in paragraphs 16 through 19 of this agreement. By signing this agreement, I (we) acknowledge that my (our) securities may be loaned to you or loaned out to others. If this is a joint account, all parties must sign.

| | | | |
|---|------|---|------|
| 1. Account Owner's Signature (Please sign in box) | Date | 2. Account Owner's Signature (Please sign in box) | Date |
| <i>P. Datschidze</i> | | | |
| 3. Account Owner's Signature (Please sign in box) | Date | 4. Account Owner's Signature (Please sign in box) | Date |
| | | | |

Note for joint accounts: The Social Security Number of this account is the number of the client whose name appears first in the second title. Do not enter the number of any other account owner.

The Social Security Number or Tax Identification Number on Lehman Brothers' records is

N/A

The Social Security Number or Tax Identification Number shown to the left is incorrect. The CORRECT number is

 Taxpayer Identification Number

BF 3025 (12/97) (PST. 12/97)

Exhibit 1

LB 00687

831-77714-1-1-472

| | | |
|--|--|-------------------|
| Form W-8BEN (Rev. December 2002) Department of the Treasury Internal Revenue Service | Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding ▶ Section references are to the Internal Revenue Code. ▶ See separate instructions. ▶ Give this form to the withholding agent or payer. Do not send to the IRS. | OMB No. 1545-1021 |
|--|--|-------------------|

Do not use this form for:

- Instead, use Form:
- A U.S. citizen or other U.S. person, including a resident alien individual W-9
 - A person claiming an exemption from U.S. withholding on income effectively connected with the conduct of a trade or business in the United States W-BECI
 - A foreign partnership, a foreign simple trust, or a foreign grantor trust (see instructions for exceptions) W-BECI or W-BMY
 - A foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession that received effectively connected income or that is claiming the applicability of section(s) 115(c), 501(c), 882, 895, or 1443(b) (see instructions) W-BECI or W-BEXP
- Notes: These entities should use Form W-8BEN if they are claiming treaty benefits or are providing the form only to claim they are a foreign person exempt from backup withholding.
- A person acting as an intermediary W-BMY
- Note: See instructions for additional exceptions.

Part I Identification of Beneficial Owner (See instructions.)

| | | |
|---|--|---|
| 1 Name of individual or organization that is the beneficial owner DAVID DATESHDZE | | 2 Country of incorporation or organization |
| 3 Type of beneficial owner: <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Disregarded entity <input type="checkbox"/> Partnership <input type="checkbox"/> Simple trust <input type="checkbox"/> Grantor trust <input type="checkbox"/> Complex trust <input type="checkbox"/> Estate <input type="checkbox"/> Government <input type="checkbox"/> International organization <input type="checkbox"/> Central bank of issue <input type="checkbox"/> Tax-exempt organization <input type="checkbox"/> Private foundation | | |
| 4 Permanent residence address (street, apt. or suite no., or rural route). Do not use a P.O. box or in-care-of address. AGMASHNEBELI 2/8 City or town, state or province. Include postal code where appropriate. TBILISI 380002 Country (do not abbreviate) REP. of GEORGIA | | |
| 5 Mailing address (if different from above) 88 GENESEE BOULEVARD City or town, state or province. Include postal code where appropriate. ATLANTIC BEACH NEW YORK 11509 Country (do not abbreviate) United States of America | | |
| 6 U.S. taxpayer identification number, if required (see instructions) <input type="checkbox"/> SSN or ITIN <input type="checkbox"/> EIN | | 7 Foreign tax identifying number, if any (optional) |
| 8 Reference number(s) (see instructions) | | |

Part II Claim of Tax Treaty Benefits (if applicable)

- 9 I certify that (check all that apply):
- a ☐ The beneficial owner is a resident of **Rep. of Georgia** within the meaning of the income tax treaty between the United States and that country.
 - b ☐ If required, the U.S. taxpayer identification number is stated on line 6 (see instructions).
 - c ☐ The beneficial owner is not an individual, derives the item (or items) of income for which the treaty benefits are claimed, and, if applicable, meets the requirements of the treaty provision dealing with limitation on benefits (see instructions).
 - d ☐ The beneficial owner is not an individual, is claiming treaty benefits for dividends received from a foreign corporation or interest from a U.S. trade or business of a foreign corporation, and meets qualified resident status (see instructions).
 - e ☐ The beneficial owner is related to the person obligated to pay the income within the meaning of section 267(b) or 707(b), and will file Form 8833 if the amount subject to withholding received during a calendar year exceeds, in the aggregate, \$500,000.
- 10 Special rates and conditions (if applicable—see instructions): The beneficial owner is claiming the provisions of Article _____ of the treaty identified on line 9a above to claim a _____ % rate of withholding on (specify type of income): _____
Explain the reasons the beneficial owner meets the terms of the treaty article: _____

Part III Notional Principal Contracts


- 11 ☐ I have provided or will provide a statement that identifies those notional principal contracts from which the income is not effectively connected with the conduct of a trade or business in the United States. I agree to update this statement as required.

Part IV Certification

Under penalties of perjury, I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete. I further certify under penalties of perjury that:

- I am the beneficial owner (or am authorized to sign for the beneficial owner) of all the income to which this form relates.
- The beneficial owner is not a U.S. person.
- The income to which this form relates is not effectively connected with the conduct of a trade or business in the United States or is effectively connected but is not subject to the United States income tax treaty.
- For broker transactions or barter exchanges, the beneficial owner is an exempt foreign person as defined in the instructions.

Furthermore, I authorize this form to be provided to any withholding agent that has control, receipt, or custody of the income of which I am the beneficial owner or any withholding agent that can disburse or make payments of the income of which I am the beneficial owner.

Sign Here  **03-26-2002**
Signature of beneficial owner (or individual authorized to sign for beneficial owner) Date (MM-DD-YYYY) Capacity in which acting

For Paperwork Reduction Act Notice, see separate instructions. GML No. 250472 Form **W-8BEN** (Rev. 12-2002)

Exhibit 2

LB 00688

MAY 19 '03 12:00 SE 481 DAIN RAUSCHER 212 315 6984 TO 901199532292566 P.06/06


RBC
Dain Rauscher

Member NYSE/SIPC

| | | |
|---------|----------------|------|
| 1101 | 24555605 | NP63 |
| Firm ID | Account Number | FC # |

ACCOUNT INFORMATION

☒ New Account ☐ Update

Account Type: _____

| | | | |
|--|---------------------------|--|------------------------|
| Name & Address DAVID DATESHIDZE 88 GENESSEE BLVD ATLANTIC BEACH, NY 11509 | | Name & Address II | |
| SSN/EIN | Date of Birth | SSN/FIN | Date of Exp. |
| Business Phone 953 245 1237 | Home Phone | Business Phone | Home Phone |
| Citizenship GEORGIAN | Marital Status MARRIED | US Citizen (Yes or No) | Relationship to Client |
| Employer (If retired, state previous employer) CDN, LTD | | Employer (If retired, state previous employer) | |
| Address UZUNADZE 2 TBILISI, GEORGIA | | Address | |
| Occupation VICE PRESIDENT | | Occupation | |

Is either party or immediate family member affiliated with or employed by another Broker/Dealer Member Firm? If yes, indicate firm and position. (Proper authorization must be obtained from the member firm.)

Is either party or immediate family member any of the following: director, shareholder with 10% or more of the stock, or policy making executive officer of a publicly traded company? If yes, indicate company and position.

If either party or immediate family member is an employee of an RBC Dain Rauscher Inc. member firm, indicate relationship here:

| | | | |
|---|-------------------------------------|------------------------------------|--|
| Date Opened | Account Transferred From? LEHMAN | Source of Funds | J/T Source of Funds |
| Account Source | Referred By | # Years Known to FC 4 | Annual Income (all sources) \$200,000 |
| Client's Investment Experience HIGH | # Years as an Investor 5 | Liquid Assets \$2 MILLION | J/T Annual Income (all sources) |
| Net Worth (excluding home) \$5 MILLION | Estimated Tax Bracket (%) | # Dependents (including self) 3 | Custodian's Account Number |

Investment Objectives (risk tolerance)

GROWTH (AGGRESSIVE)

| | |
|--------------------------|--|
| Initial Order Solicited? | Initial Transaction - list type, quantity and security (do not use symbol) |
|--------------------------|--|

| | | | |
|--------------------------------|--|----------------------|-------------------------------|
| Trading Authorization on File? | Agent Name & Address (complete if account is operated by Power of Attorney or Trading Authorization) | | |
| Relationship to Client | Agent's Account # | Reason for Authority | Agent's Investment Experience |

| | | | |
|--|---------------------|-------------------------|------|
| Financial Consultant Signature <i>[Signature]</i> | Date MAY 21 2008 | Branch Manager Approval | Date |
|--|---------------------|-------------------------|------|

Client Certification: I certify that the information provided on this form is true, correct and complete. All persons must sign if this is a joint account.

| | | | |
|-----------------------------------|-----------------|----------------|------|
| Signature X <i>[Signature]</i> | Date 5/19/03 | Signature X | Date |
|-----------------------------------|-----------------|----------------|------|

ASC 11/01

MAY 19 '03 13:00

+99532292566

RBC 0000442

Exhibit 3



RBC
Dain Rauscher

Member NYSE/NIPC

1101 24555605 NIP53
 Firm ID Account Number FC #

CLIENT STANDARD ACCOUNT AGREEMENT
 page 1 of 3

| | |
|--|-------------------|
| Name & Address DAVID DATESHIDZE 88 GENESSEE BLVD ATLANTIC BEACH, NY 11509 | Name & Address II |
|--|-------------------|

- I understand that my Standard Account is subject to the terms and conditions of the Standard Account Agreement.
- I have received and reviewed a copy of the Standard Account Agreement.
- THIS AGREEMENT CONTAINS A PRE-DISPUTE ARBITRATION CLAUSE IN SECTION 18 ON PAGE 3.
- This Agreement has not been amended, altered or revised in any way by me, and I agree to be bound by, and comply with, its terms and conditions in their entirety.
- Please sign and return the firm copy.

Client Certification: I certify that the information provided on this form is true, correct and complete. All persons must sign if this is a joint account.

| | | | |
|--|-----------------|-----------------------|------|
| Client Signature X <i>[Signature]</i> | Date 5/19/03 | Client Signature X | Date |
|--|-----------------|-----------------------|------|

As used in this Agreement, the terms "you", "I", and "me" refer to the client of RBC Dain Rauscher Inc, who seeks to open a standard account agreement, and the term "RBC Dain" refers to RBC Dain Rauscher Inc. In consideration of your continuing or now and hereafter opening an account or accounts for the purchase and sale of securities and commodities for me, or in my name, I agree that all transactions with respect to any such account shall be subject to the following terms:

1. Client Representations.

- (a) If you are an individual, you represent and warrant that you are of legal age, that no one except you has an interest in your account, and you are not an employee of any exchange, or of a member firm of any exchange or the National Association of Securities Dealers, Inc. ("NASD"), any other self-regulatory organization, or of a bank, trust company, or insurance company unless you have notified RBC Dain to that effect, and you will promptly notify RBC Dain if you become so employed.
- (b) If you are a corporation, trust, partnership or other entity, you represent and warrant that you are duly formed and existing under the laws of your state or jurisdiction of formation and are qualified and (if you are a corporation) in good standing in every jurisdiction in which you do business; the person(s) designated to act for you have been duly authorized by all necessary and appropriate institutional action; such person or persons have full authority to execute this Agreement and all related documents on your behalf and to act for you in all matters regarding your account(s); RBC Dain may at all times rely on the fact of such authorization without any duty to investigate into either the authenticity or extent thereof of such authorization; and the party or parties designated as authorized signatories constitute(s) all of the proper and necessary authorized signatories.

2. Client's Obligation.

I agree to notify RBC Dain within ten (10) calendar days of receipt of my confirmation and/or statement of any trades or transactions that were executed without my authorization, any transactions which are not properly reflected on my confirmation or monthly statement or any other activities or omissions by RBC Dain, its agents or employees that I believe to be improper. Unless I object in writing within ten (10) calendar days of receipt of my confirmation or statement, confirmations of transactions and statements for my account shall be binding on me. Any communications regarding errors or misunderstandings with respect to my account should be addressed to the Branch Manager of the branch office where my account is maintained.

3. Communications.

Notices and communications may be sent to you at your address given above or at such other address as you may hereafter give RBC Dain in writing, and all communications so sent, whether by mail, telegraph, messenger or otherwise, shall be deemed given to you personally, whether actually received or not.

4. Accuracy Of Account Information.

I agree to notify RBC Dain in writing of any material change in my financial circumstances or any change in my investment objectives. I will address such notice to the Branch Manager of the branch office where my account is maintained. Any information given RBC Dain on or relating to this account will be subject to verification, and I authorize RBC Dain to obtain a credit report about me at any time and to share the credit report with any of RBC Dain's affiliates.

5. RBC Dain "Financial Consultant" Title:

The RBC Dain professionals who serve retail clients use the title of "Financial Consultant". This title was selected in recognition of the wide and expanding variety of financial products and services RBC Dain offers its clients. The term "Financial Consultant", as used by RBC Dain, is not intended to imply that its professionals are financial planners as the term is defined by certain state rules and regulations. RBC Dain professionals engage in providing a broad range of financial services and products some of which are offered by affiliated companies. These professionals maintain the necessary licenses required to offer financial products and services including the trading, distribution and sale of investments such as, for example, stocks, bonds, mutual funds, options and insurance and annuity contracts. RBC Dain's professionals are compensated by various means, including commissions or fixed fees, and their compensation may be affected by the overall value of the assets and any margin balances in the accounts which they service.

MAY 19 '03 11:58 FR HIRSH DAIN RAUSCHER

212 315 8904 TO 901199532292566 P.04/06


RBC
Dain Rauscher

Member NYSE/SIPC

1101
Firm ID24555605
Account NumberNFS3
FC#

OFFSHORE CLIENT CERTIFICATION

In signing this form, each of the undersigned certifies that all of the following conditions are satisfied:

- I am not a citizen of, or resident in the United States or its territories or possessions or Ireland.
- I will not transfer, directly or indirectly, any Shares or other interest (collectively, the "shares"), or any interest therein (including, without limitation, any right to receive dividends or other distributions), of any money market fund the securities of which are intended to be distributed outside the United States and its territories and possessions to a citizen, or resident of, or entity incorporated or chartered in the United States or its territories or possessions or Ireland, or to any other person or entity, unless the proposed transferee has made these certifications.
- I will not participate in any activity relating to the sale of Shares in the United States or its territories or possessions or Ireland.
- I have not obtained any funds to effect the purchase of these Shares from a U.S. person, or in a manner which is deemed to be illegal by the laws of the country of which I am a citizen, or in which I am a resident, or those of the United States or of its territories or possessions or Ireland.
- I understand and agree that the fund has not been and will not be registered under the United States Investment Company Act of 1940, as amended, and that the Shares have not been and will not be registered under the United States Securities Act of 1933, as amended, or the securities laws of any State of the United States or Ireland.
- I will ensure that I am outside of the United States or Ireland at the time that I place an order to purchase Shares.
- I will be certain to read prospectuses and fully understand the procedures and regulations set forth within them before purchasing offshore funds.
- I will immediately notify both my investment advisor and the fund should I at any time become a citizen of, or resident in the United States (as defined by the United States Internal Revenue Code) or Ireland.

| | |
|---|------------------------------|
| Print Name DAVID DATESHIDZE | Print Name |
| Client Signature X <i>[Signature]</i> | Client Signature X |
| Date 5/19/03 | Date |

RBC Dain Rauscher Financial Consultant Certification

In signing this form, the undersigned Financial Consultant certifies that all of the following statements are true:

- I have verified that each of the client(s) signing above is a non-resident alien as defined by the United States Internal Revenue Code, and understand that if the client does not meet the definition of a non-resident alien, this investment is a violation of the Securities Act of 1933 and its amendments.
- I understand that any inappropriate use of offshore funds by the client, which results from my failure to adequately exercise set procedures, may result in the loss of my license as a Financial Consultant and the termination of employment with RBC Dain Rauscher Incorporated.
- I understand that I may accept and act on investment instructions and directions only on the condition that the client is outside of the United States, and its territories and possessions or Ireland at the time that the client issues such instructions or directions.

| | |
|---|----------------------------|
| Financial Consultant Signature X <i>[Signature]</i> | Date MAY 21/2003 |
|---|----------------------------|

Please Fax to Client Account Services at (612) 607-8900

FOR OFFICE USE

Client Account Services

| | |
|--------------|------|
| Accepted By: | Date |
|--------------|------|

MAY 19 '03 12:58

10057300566

DI

RBC 0000444

MAY 29 '03 14:43 FR RBC DAIN RAUSCHER

212 315 8984 TO 901199532292566 P.01/01


RBC
Dain Rauscher

Member NYSE/SIPC

 Firm ID

 Account Number

 FC #

CLIENT MARGIN ACCOUNT
AGREEMENT AND APPLICATION, page 1 of 3

THIS AGREEMENT CONSISTS OF THREE PAGES. I HAVE READ AND UNDERSTAND THE TERMS OF THIS AGREEMENT.

BY SIGNING THIS AGREEMENT I ACKNOWLEDGE THAT:

1. I HAVE RECEIVED A COPY OF THIS AGREEMENT

AND THEIR ENTIRETY.

2. I HAVE RECEIVED THE MARGIN DISCLOSURE STATEMENT.

THIS AGREEMENT CONTAINS A POSTSCRIPT REGISTRATION CLAIMS ON PAGE 2 AT PERSONALITY 13

| | |
|---|---|
| Name & Address of Account | |
| DAVID DATESHIOWE 28 GENESSEE BLVD ATLANTIC BEACH, NY 11709 | |
| Client Signature (or Authorized person if applicable) | Date |
| X <i>[Signature]</i> | 5/29/03 |
| Signature of Second Party (if a joint account) | |
| X | |
| Printed Name from Signature Above | |
| DAVID DATESHIOWE | |
| Title, if applicable (e.g., President, Partner, Trustee, Custodian) | Title, if applicable (e.g., President, Partner, Trustee, Custodian) |
| 953 295 1237 | |
| Occupation | Occupation |
| VICE PRESIDENT | |
| Employer | Employer |
| CDN LTD. | |
| Financial Consultant Signature | For office use only |
| <i>[Signature]</i> | Date |
| | 5/29/03 |
| | Branch Manager Signature |
| | Date |

TO: RBC Dain Rauscher Inc. (RBC Dain)

1. STATUS OF RBC Dain AS BROKER. In purchasing or selling securities and commodities for me you shall act as my agent unless you notify me in writing prior to the settlement date or make the necessary disclosure on the confirmation that you are acting as a dealer for your own account or as an agent for some other party.
2. STATUS OF RBC Dain AS A SELF-CLEARING FIRM. I understand that RBC Dain is a self-clearing broker dealer and as such carries my account and clears and settles all trades in my account. As used in this agreement, the terms "you", "your" and other terms having a similar meaning shall be deemed to refer to RBC Dain.
3. PROVISIONS OF THE SECURITIES EXCHANGE ACT OF 1934 AND THE COMMODITY EXCHANGE ACT, to all rules and regulations of the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System and the Commodity Futures Trading Commission. They also shall be subject to the rules and regulations, customs and usages of the exchange or market where my orders are executed, as the same may be amended or supplemented from time to time.
4. DESIGNATION OF ORDERS/SHORT SALES. Every order I give you for the sale or purchase of securities or commodities contemplates an actual sale or purchase. I will deliver to you securities or commodities to cover all my sale orders and will receive and pay for on your demand all securities and commodities covered by my purchase orders. If I fail to deliver to you any securities or commodities which you have sold pursuant to my order, you are authorized to borrow the securities or commodities necessary to make delivery thereof, and in the event of your inability to borrow or otherwise obtain the securities or commodities, I shall be responsible for any losses sustained by you as a result of your short sale or purchase of securities or commodities. Furthermore, I understand that you will not be responsible for any losses sustained by me as a result of short sale strategies that were terminated due to inavailability thereof.

Continued on page 2

RBC 303

TOTAL PAGE 01


RBC
Dain Rauscher

Member NYSE/NIPC

 *

| | | |
|---------|----------------|-----------|
| 1101 | 24555605 | NF53 |
| Firm ID | Account Number | FC Number |



CLIENT ACCOUNT INFORMATION

☐ New Account ☒ Update Account Type INDIVIDUAL

ACCOUNT OWNERSHIP INFORMATION

| | | | |
|--|---------------------------------------|--|--------------------------------|
| Name and Address of Primary Account Owner/Trustee DAVID DATESHIDZE 88 GENESSEE BLVD ATLANTIC BEACH NY 11509-0000 | | Name and Address of Joint Owner (if joint account) | |
| Date of Birth 04/15/1958 | SSN/EIN | Date of Birth | SSN/EIN |
| Home Phone 953-295-1237 | Business Phone 953-295-1237 | Home Phone | Business Phone |
| Citizenship GG | Marital Status MARRIED | Citizenship | Relationship to Primary Client |
| Occupation VICE PRESIDENT | | Occupation | |
| Employer Name and Address (If retired, state previous employer.) CDN LTD UZNADZE 2 TBILISI, GEORGIA | | Employer Name and Address (If retired, state previous employer.) | |

ADDITIONAL OWNERS (IF APPLICABLE)

| | |
|--|--|
| Name of Additional Account Owners/Trustees | Name of Additional Account Owners/Trustees |
| | |
| | |

ADDITIONAL CLIENT INFORMATION

| | |
|--|--|
| Is either party or an immediate family member affiliated with or employed by another Broker/Dealer member firm? _____ Yes <input checked="" type="checkbox"/> No | Is the account owner(s) or an immediate family member of the account owner(s) an employee of RBC Dain Rauscher? _____ Yes <input checked="" type="checkbox"/> No |
| If yes, indicate the firm and position. (Proper authorization must be obtained from the member firm.) | Is the account traded by a third party? _____ Yes <input checked="" type="checkbox"/> No |
| | If yes, is there a Trading Authorization or Power of Attorney on file? _____ Yes _____ No |
| Is either party or an immediate family member any of the following: director, shareholder with 10% or more of the stock, or a policy-making executive officer of a publicly traded company? _____ Yes <input checked="" type="checkbox"/> No | |
| If yes, indicate company and position. | Indicate name and address of third party agent. |
| | |

Page 1 of 3

Firm Copy

mac 1/04

Exhibit 7

RBC 0000447

CLIENT ACCOUNT INFORMATION (Continued)

*

1101

Firm ID

2455605

Account Number

NF53

FC Number

FINANCIAL INFORMATION

If any information is inaccurate, please correct and initial your changes before returning.

Annual Income (all sources)

- ☐ Under \$50,000 ☐ \$500,000 - 999,999
☐ \$50,000 - 99,999 ☐ \$1,000,000 +
☒ \$100,000 - 249,999 ☐ Client Refused (additional documentation required)
☐ \$250,000 - 499,999

Joint Owner's Annual Income (all sources)

- ☐ Under \$50,000 ☐ \$500,000 - 999,999
☐ \$50,000 - 99,999 ☐ \$1,000,000 +
☐ \$100,000 - 249,999 ☐ Client Refused (additional documentation required)
☐ \$250,000 - 499,999

Net Worth - excluding home (combined if joint account)

- ☐ Under \$100,000 ☐ \$1,000,000 - 2,999,999
☐ \$100,000 - 249,999 ☒ \$3,000,000 +
☐ \$250,000 - 499,999 ☐ Client Refused (additional documentation required)
☐ \$500,000 - 999,999

Liquid Assets

- ☐ Under \$100,000 ☒ \$1,000,000 - 2,999,999
☐ \$100,000 - 249,999 ☐ \$3,000,000 +
☐ \$250,000 - 499,999 ☐ Client Refused (additional documentation required)
☐ \$500,000 - 999,999

Number of Years as an Investor

5

Estimated Tax Bracket

- ☐ 0 - 10% ☐ 11 - 15% ☐ 16 - 25% ☒ 26 - 28%
☐ 29 - 33% ☐ 33% +

Client's Investment Experience

- ☐ None ☐ Limited ☐ Average ☒ Extensive

Number of Dependents (including self)

3

Money Market Choice

NONE

Initial Order Solicited

- ☐ Yes ☐ No

Transaction

PENDING

Quantity

Security Name

Investment Objective (choose one)

- ☐ **Preservation of Principal/Income** - Focus is on preservation of principal and income. *Very conservative.*
 Note: For Advisory accounts, the investment objective for this category is Income.
☐ **Balanced/Conservative Growth** - Focus is on generating current income and/or long-term capital growth. *Conservative.*
 Note: For Advisory accounts, the investment objective for this category is either Balanced or Conservative Growth.
☐ **Growth** - Focus is on generating long-term capital growth. *Moderate.*
☒ **Aggressive Growth** - Focus is on generating growth and/or income with a willingness to assume a high level of risk. *Aggressive.*
☐ **Speculation** - Focus is on generating highest potential growth and/or income with a willingness to assume highest level of risk. *Very aggressive.*

ACCOUNT SERVICES

You have selected the following service(s) for your account:

- ☐ **Standard Checking** - Gives you convenient, limited access to the cash in your account through check writing privileges. (Not permitted in retirement accounts.)
☐ **Investment Access** - Gives you easy access to the assets in your account through check writing, ATM and/or Visa Gold® Check Card privileges, as well as the ability to move money electronically, pay bills electronically, and much more. (Not permitted in retirement accounts.)
☐ **ACH** - Allows you to move money electronically between your RBC Dain Rauscher account and other outside accounts, putting your cash to work for you faster.
☒ **Margin** - Allows you to borrow funds against eligible securities in your RBC Dain Rauscher account for both investment and non-investment purposes. Interest is charged on the amount borrowed. Certain risks are associated with this type of account. See the Margin Disclosure Statement in the enclosed Client Agreement. (Not permitted in custodial, estate, or retirement accounts.)

CLIENT ACCOUNT INFORMATION (Continued)

*

1101

Firm ID

24555605

Account Number

NF53

FC Number

W-9 INFORMATION

Part I - Awaiting TIN

☐ Check the box if you are presently applying for a Taxpayer Identification Number

Part II - Exempt payees

☐ Check the box if you are exempt from backup withholding and information reporting

CLIENT ACKNOWLEDGEMENT AND AGREEMENT

1. I confirm that I am at least 18 years of age and of full legal age in my state of residence.
2. I acknowledge that I have received the *Client Agreement* and agree to abide by its terms as currently in effect or as they may be amended from time to time.
3. I UNDERSTAND THIS ACCOUNT IS BEING GOVERNED BY THE PRE-DISPUTE arbitration clause appearing on page 6 of the *Client Agreement* at Section 19.

For Margin Accounts Only:

4. I understand that my securities may be loaned to you and to others as provided under SEC Rule 15c 3-3 and other applicable law.
5. I acknowledge that I have received and read the margin information, including the Margin Disclosure Statement, in the enclosed *Client Agreement*.

SUBSTITUTE W-9 CERTIFICATION

Certification: Under penalties of perjury, I certify that:


1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return.

By entering your name below, you signify that you have read, met, and agreed to all terms and conditions above.

The IRS does not require my consent to any provision of this document other than the certifications required to avoid backup withholding.

SIGNATURES



Primary Account Owner/Trustee Signature

6/23/4

Date

Joint Tenant/Additional Trustee Signature

Date



Joint Tenant/Additional Trustee Signature (if applicable)

Date

Joint Tenant/Additional Trustee Signature (if applicable)

Date



Financial Consultant Signature

6/10/4

Date



Branch Manager Approval

6/10/04

Date


RBC
Dain Rauscher

Member NYSE/SIPC

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| | | | | | | | | | | | | | | | |
|---------|---|---|---|----------------|---|---|---|---|---|---|---|------|---|---|---|
| 1 | 1 | 0 | 1 | 2 | 4 | 5 | 5 | 5 | 6 | 0 | 5 | N | F | 5 | 3 |
| Firm ID | | | | Account Number | | | | | | | | FC # | | | |

**OFFSHORE CLIENT CERTIFICATION**

In signing this form, each of the undersigned certifies that all of the following conditions are satisfied:

- I am not a citizen of, or resident in the United States or its territories or possessions or Ireland.
- I will not transfer, directly or indirectly, any Shares or other interest (collectively, the "shares"), or any interest therein (including, without limitation, any right to receive dividends or other distributions), of any money market fund the securities of which are intended to be distributed outside the United States and its territories and positions to a citizen, or resident of, or entity incorporated or chartered in the United States or its territories or possessions or Ireland, or to any other person or entity, unless the proposed transferee has made these certifications.
- I will not participate in any activity relating to the sale of Shares in the United States or its territories or possessions or Ireland.
- I have not obtained any funds to effect the purchase of these Shares from a U.S. person, or in a manner which is deemed to be illegal by the laws of the country of which I am a citizen, or in which I am a resident, or those of the United States or of its territories or possessions or Ireland.
- I understand and agree that the fund has not been and will not be registered under the United States Investment Company Act of 1940, as amended, and that the Shares have not been and will not be registered under the United States Securities Act of 1933, as amended, or the securities laws of any State of the United States or Ireland.
- I will ensure that I am outside of the United States or Ireland at the time that I place an order to purchase Shares.
- I will be certain to read prospectuses and fully understand the procedures and regulations set forth within them before purchasing offshore funds.
- I will immediately notify both my investment advisor and the fund should I at any time become a citizen of, or resident in the United States (as defined by the United States Internal Revenue Code) or Ireland.

| | |
|--|------------------------------|
| Print Name David Dateshidze | Print Name |
| Client Signature X <i>O. L. Te</i> | Client Signature X |
| Date 6/23/4 | Date |

RBC Dain Rauscher Financial Consultant Certification

In signing this form, the under signed Financial Consultant certifies that all of the following statements are true:

- I have verified that each of the client(s) signing above is a non-resident alien as defined by the United States Internal Revenue Code, and understand that if the client does not meet the definition of a non-resident alien, this investment is a violation of the Securities Act of 1933 and its amendments.
- I understand that any inappropriate use of offshore funds by the client, which results from my failure to adequately exercise set procedures, may result in the loss of my license as a Financial Consultant and the termination of employment with RBC Dain Rauscher Incorporated.
- I understand that I may accept and act on investment instructions and directions only on the condition that the client is outside of the United States, and its territories and possessions or Ireland at the time that the client issues such instructions or directions.

| | |
|---|------------------------|
| Financial Consultant Signature X <i>[Signature]</i> | Date 6/10/04 |
|---|------------------------|

Please fax to Client Account Services at (612) 607-8900

FOR OFFICE USE

Client Account Services

| | |
|--------------|------|
| Accepted By: | Date |
|--------------|------|

Firm Copy

o/c 9/02

Exhibit 8**RBC 0000451**


RBC
Dain Rauscher

Member NYSE/SIPC

INVESTMENT ACCESS® ACCOUNT APPLICATION, page 1 of 2
Done 10-13-04

 1101
 Firm ID

 24555605
 Account Number

 NF33
 FC #

| | |
|--|--|
| Account Owner Information | |
| Account Owner Name (as it should appear on your checks) <i>David Daskidze</i> | |
| Co-Owner Name(s) | |
| Mailing Address <i>88 Genessee Blvd Atlantic Beach NY 11509-0220</i> | |
| Telephone Number (include area code) | |

| |
|--|
| Checking |
| What type of checks would you prefer? |
| <input type="checkbox"/> Single checks with cover - free <input type="checkbox"/> Duplicate checks with cover - free <input type="checkbox"/> 3-to-a-page checks with binder - \$80.00 <input type="checkbox"/> 3-to-a-page Laser/Ink Jet checks - \$104.00 |
| <input checked="" type="checkbox"/> None |
| Complete items below if you would like this information on your checks: Telephone Number (include area code) Driver's License # |

| | |
|--|---|
| VISA Gold® Check Card | |
| Check the box below if you would like us to send you a VISA Gold Check Card: <input checked="" type="checkbox"/> Yes, send VISA Gold Check Cards to the Account Owner and Co-Owner. <input type="checkbox"/> No VISA Gold Check Card at this time. | Mother's Maiden Name (required for VISA Gold Check Card) <i>BENDUKIDZE</i> |

| | |
|---|--|
| Cash Investment Options | |
| To which fund would you like us to sweep your idle cash? | |
| <input type="checkbox"/> Tamara <input type="checkbox"/> Tamarack U.S. Government Money Market Fund <input type="checkbox"/> Tamarack Tax-Free Money Market Fund <input type="checkbox"/> Tamarack Prime Institutional (\$1 Million minimum balance required) <input type="checkbox"/> Tamarack Institutional Tax-Free Money Market Fund (\$1 Million minimum balance required) | <input type="checkbox"/> Treasury Cash Series State Municipal Cash Trust: <input type="checkbox"/> Arizona <input type="checkbox"/> California <input type="checkbox"/> Minnesota <input type="checkbox"/> New Jersey <input type="checkbox"/> New York <input type="checkbox"/> Virginia <input type="checkbox"/> Credit Interest Program <input type="checkbox"/> None |
| * If you reside in WI, UT, or LA, or have your pension check deposited directly into your Investment Access Account, you cannot choose the Credit Interest Program. | |

| | |
|---|--|
| Signatures | |
| By signing this agreement, I acknowledge that: | |
| I. My Investment Access Account is subject to all terms and conditions included in the Investment Access Account Agreement. II. I understand that if my Investment Access Account is a custodial account established under either the Uniform Transfer to Minors Act or Uniform Gift to Minors Act, or a Fund Advisory Account, I may not utilize a margin account and that I cannot borrow against the securities held in my account. III. I have received a copy of the Investment Access Account Agreement and fee schedule, have had an opportunity to read them, and consent to all of their terms and conditions. IV. I am of legal age and I am not an employee of any exchange, or of any corporation of which any exchange owns a majority of the capital stock. In addition, I am not a member of any exchange, or of a member firm or member corporation registered on any exchange, or of a bank, trust company, insurance company or of any corporation, firm or individual engaged in the business of dealing, either as a broker or as principal, in buying or selling securities, bills of exchange, acceptances or other forms of commercial paper. I will promptly notify you in writing if I am now or will become so employed. I also represent that no other person has an interest in my account or accounts with you. V. This Agreement has not been altered or revised in any manner by me, and I agree to be bound by its terms and conditions in their entirety. VI. RBC Dain Rauscher Inc. is entitled to rely upon the information provided in this form until written notice of its revocation is provided to us. | |
| All Account Owners must sign below: Account Owner Signature <i>[Signature]</i> Date <i>10/12/04</i> Co-Owner Signature <i>[Signature]</i> Date | |

| | |
|--|--|
| This Application must be accompanied by an Investment Access Account Agreement | |
| For Office Use Only | |
| Financial Consultant Signature <i>[Signature]</i> Date <i>10/11/04</i> Branch Manager Signature <i>[Signature]</i> Date <i>10/11/04</i> | |

 Please see next page for additional services available to you.
 Return to Document & Imaging Services

Turn over

800-422-7435

RBC 0000453